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EXAMINER

PHAN, JOSEPH T

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2614

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/072,898	Applicant(s) EBERLE ET AL.	
	Examiner Joseph T. Phan	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-38, 40-51, 54-65 and 67-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-38, 40-49, 54-65 and 67-76 is/are rejected.
- 7) ☒ Claim(s) 50-51 and 77-78 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/28/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 27-38, 40-49, 54-65, and 67-76 rejected under 35 U.S.C. 102(e) as being anticipated by Goldberg, Patent #6,226,360.**

Regarding claim 27, Goldberg teaches a system for providing service output information to a subscriber of a service(Fig.1), comprising:

service subscription means(Fig.1) for enabling at least one subscriber to subscribe to the at least one service that can output personalized information and for enabling the at least one subscriber to specify preferences for the content and presentation of service output information(*Goldberg col.5 lines 1-22;see detailed comments in response to arguments below*), as well as delivery parameters for receiving service output information, the delivery parameters including at least one device to which service output information is to be delivered, and delivery instructions based on a detected recipient(*Goldberg Fig.1, col.5 lines 5-51 and col.8 lines 6-9*);

service processing means for processing the least one service to generate service output information personalized for the at least one subscriber(*col.5 lines 18-45 and col.6 lines 1-20*);

communication means for establishing communication with the at least one device(Fig.1-2);

detection means for detecting a recipient of the communication(Fig.1 and 200 Fig.2); and

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delivery means for delivering service output information based on the detected recipient and the delivery instructions(Goldberg col.5 lines 23-51 and col.8 lines 6-9).

Regarding claim 28, Goldberg teaches the system of claim 27, wherein the at least one service is processed when a delivery condition has been met(Goldberg col.5 lines 23-51 and col.8 lines 6-9).

Regarding claim 29, Goldberg teaches the system of claim 28, wherein the delivery condition comprises at least one of a predetermined schedule, or a triggering event(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 30, Goldberg teaches the system of claim 28, wherein the delivery condition is specified by at least one of a subscriber, or an administrator(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 31, Goldberg teaches the system of claim 27, wherein the service output information comprises information derived from an on-line analytical processing (OLAP) system(*Goldberg col.5 lines 23-51 and col.8 lines 6-9; ; Goldberg uses an 'online' analytical system to process the calls*).

Regarding claim 32, Goldberg teaches the system of claim 27, wherein the service output information comprises at least one of static text messages, dynamic content, blended content, sound clips, music, or advertisements(Goldberg col.5 lines 23-51 and col.8 lines 6-9).

Regarding claim 33, Goldberg teaches the system of claim 27, wherein the at least one device comprises a voice-enabled terminal device(Goldberg col.5 lines 23-51 and col.8 lines 6-9).

Regarding claim 34, Goldberg teaches the system of claim 27, wherein the at least one

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device comprises a voice-enabled terminal device, and the detected recipient comprises a person(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 35, Goldberg teaches the system of claim 34, wherein the person is queried for validation information(Goldberg col.5 lines 23-51 and col.8 lines 6-9).

Regarding claim 36, Goldberg teaches the system of claim 35, wherein the validation information is provided by at least one of voice input, or keypad input(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 37, Goldberg teaches the system of claim 27, wherein the at least one device comprises a voice-enabled terminal device, and the detected recipient comprises a machine(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 38, Goldberg teaches the system of claim 37, wherein the machine comprises at least one of an answering machine, facsimile machine, or modem(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 39, Goldberg teaches the system of claim 27, wherein the delivery parameters are specified by at least one of a subscriber, or an administrator(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 40, Goldberg teaches the system of claim 27, wherein the delivery instructions enable the content of the service output information to be differentiated according to whether the detected recipient comprises a person or a machine(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 41, Goldberg teaches the system of claim 40, wherein the content of the service output information to be provided when the detected recipient comprises a machine is

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reduced from the content of the service output information to be provided when the detected recipient comprises a person(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 42, Goldberg teaches the system of claim 40, wherein the content of the service output information to be provided when the detected recipient comprises a machine is a message indicating that service output information intended for the at least one subscriber is available(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 43, Goldberg teaches the system of claim 27, wherein the communication means comprises a call server for establishing communication with the at least one device by initiating a telephone call(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 44, Goldberg teaches the system of claim 43, wherein the detection means comprises a detection module, the detection module sensing a state of a call pickup sequence of the telephone call(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 45, Goldberg teaches the system of claim 44, wherein the state of a call pickup sequence comprises a plurality of possible states, and each of the possible states of the call pickup sequence is associated with a detected recipient and the delivery instructions for the detected recipient(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 46, Goldberg teaches the system of claim 45, wherein the detection module further comprises a tone detection module, and each tone detected by the tone detection module is associated with at least one of the plurality of possible states(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 47, Goldberg teaches the system of claim 46, wherein the tone detection module senses at least one of an answering machine tone, a facsimile machine tone, or a modem

tone(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 48, Goldberg teaches the system of claim 47, wherein the state of the call pickup sequence comprises at least one of receipt by a person, receipt by an answering machine, receipt by a facsimile machine, or receipt by a modem(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 49, Goldberg teaches the system of claim 45, further comprising an interface to an authorization database, the authorization database storing entries associating each of the plurality of possible states with the corresponding detected recipient and the delivery instructions for the detected recipient(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 52, Goldberg teaches a system for providing information to a subscriber of a voice service(Fig.1), comprising:

voice service processing means for processing at least one voice service to identify voice service output information; voice service subscription means for enabling at least one subscriber to subscribe to the at least one voice service(col.5 lines 6-40), and to specify delivery parameters for receiving voice service output information, the delivery parameters including at least one device to which voice service output information is to be delivered, and delivery instructions based on a detected recipient(Goldberg col.5 lines 23-51 and col.8 lines 6-9);

communication means for establishing communication with the at least one device; detection means for detecting a recipient of the communication(Fig.1-2); and

delivery means for delivering voice service output information based on the detected recipient and the delivery instructions(Goldberg Fig.1, col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 53, Goldberg teaches a system for the selection of voice messages for

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delivery to a voice service subscriber(Fig.1), comprising:

voice service processing means for processing at least one voice service to generate output content when at least one predetermined condition has been met(col.6 lines 38-50);

voice service subscription means for enabling a plurality of voice service subscribers to subscribe to the at least one voice service, and for enabling a subscriber to specify the at least one predetermined condition(Goldberg col.5 lines 23-51 and col.8 lines 6-9);

communication means for initiating a telephone call to a subscriber to deliver voice service output content to the subscriber when the at least one predetermined condition has been met(Fig.1-2); detection means for detecting a state of a call pickup sequence of the telephone call delivering the output content; and selection means, in communication with the detection means(Fig.1-2), for selecting at least one of a plurality of voice messages to deliver according to the state of the call pickup sequence detected by the detection means(Goldberg col.5 lines 23-51 and col.8 lines 6-9).

Regarding claim 54, Goldberg teaches a method for providing service output information to a subscriber of a service, comprising: enabling at least one subscriber to subscribe to at least one service that can output personalized information, and to specify preferences for the content and presentation of service output information(col.5 lines 5-40 and col.6 lines 1-20), as well as delivery parameters for receiving service output information, the delivery parameters including at least one device to which service output information is to be delivered, and delivery instructions based on a detected recipient(Goldberg col.5 lines 23-51 and col.8 lines 6-9;); processing the at least one service to generate service output information personalized for the at least one subscriber; establishing communication with the at least one device;

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detecting a recipient of the communication; and delivering service output information based on the detected recipient and the delivery instructions(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 55, Goldberg teaches the method of claim 54, wherein the at least one service is processed when a delivery condition has been met(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 56, Goldberg teaches the method of claim 55, wherein the delivery condition comprises at least one of a predetermined schedule, or a triggering event(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 57, Goldberg teaches the method of claim 55, wherein the delivery condition is specified by at least one of a subscriber, or an administrator(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 58, Goldberg teaches the method of claim 54, wherein the service output information comprises information derived from an on-line analytical processing (OLAP) system(*Goldberg col.5 lines 23-51 and col.8 lines 6-9; ; Goldberg uses an 'online' analytical system to process the calls*).

Regarding claim 59, Goldberg teaches the method of claim 54, wherein the service output information comprises at least one of static text messages, dynamic content, blended content, sound clips, music, or advertisements(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 60, Goldberg teaches the method of claim 54, wherein the at least one device comprises a voice-enabled terminal device(Goldberg col.5 lines 23-51 and col.8 lines 6-9).

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Regarding claim 61, Goldberg teaches the method of claim 54, wherein the at least one device comprises a voice-enabled terminal device, and the detected recipient comprises a person(Goldberg col.5 lines 23-51 and col.8 lines 6-9).

Regarding claim 62, Goldberg teaches the method of claim 61, further comprising the step of querying the person for validation information(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 63, Goldberg teaches the method of claim 62, further comprising the step of providing the validation information by at least one of voice input, or keypad input(Goldberg col.5 lines 23-51 and col.8 lines 6-9).

Regarding claim 64, Goldberg teaches the method of claim 54, wherein the at least one device comprises a voice-enabled terminal device, and the detected recipient comprises a machine(Goldberg col.5 lines 23-51 and col.8 lines 6-9).

Regarding claim 65, Goldberg teaches the method of claim 64, wherein the machine comprises at least one of an answering machine, facsimile machine, or modem(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 66, Goldberg teaches the method of claim 54, wherein the delivery parameters are specified by at least one of a subscriber, or an administrator(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 67, Goldberg teaches the method of claim 54, wherein the delivery instructions enable the content of the service output information to be differentiated according to whether the detected recipient comprises a person or a machine(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 68, Goldberg teaches the method of claim 67, wherein the content of the service output information to be provided when the detected recipient comprises a machine is reduced from the content of the service output information to be provided when the detected recipient comprises a person(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 69, Goldberg teaches the method of claim 67, wherein the content of the service output information to be provided when the detected recipient comprises a machine is a message indicating that service output information intended for the at least one subscriber is available(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 70, Goldberg teaches the method of claim 54, wherein the step of establishing communication further comprises a call server initiating a telephone call with the at least one device(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 71, Goldberg teaches the method of claim 70, wherein the step of detecting a recipient further comprises a detection module sensing a state of a call pickup sequence of the telephone call(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 72, Goldberg teaches the method of claim 71, wherein the state of a call pickup sequence comprises a plurality of possible states, and each of the possible states of the call pickup sequence is associated with a detected recipient and the delivery instructions for the detected recipient(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 73, Goldberg teaches the method of claim 72, wherein the detection module further comprises a tone detection module, and each tone detected by the tone detection module is associated with at least one of the plurality of possible states(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 74, Goldberg teaches the method of claim 73, wherein the tone detection module senses at least one of an answering machine tone, a facsimile machine tone, or a modem tone(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 75, Goldberg teaches the method of claim 74, wherein the state of the call pickup sequence comprises at least one of receipt by a person, receipt by an answering machine, receipt by a facsimile machine, or receipt by a modem(Goldberg col.5 lines 23-51 and col.8 lines 6-9;).

Regarding claim 76, Goldberg teaches the method of claim 72, further comprising: providing an interface to an authorization database, the authorization database storing entries associating each of the plurality of possible states with the corresponding detected recipient and the delivery instructions for the detected recipient(Goldberg col.5 lines 23-51 and col.8 lines 6-9).

Response to Arguments

3. Applicant's arguments, see page 16 of 18, filed 02/28/2008, with respect to Hanson have been fully considered and are persuasive. The rejection of Hanson has been withdrawn.

Applicant's arguments filed 02/28/2008, regarding Goldberg, have been fully considered but they are not persuasive. Applicant argues the prior arts of record do not disclose a subscription service. Examiner respectfully disagrees as is shown in Goldberg, col.5 lines 1-22, the disclosed user inherently subscribes to personalized output services as it is understood to one skilled in the telephony art, that these delivery and monitoring parameters disclosed in Goldberg are not standard services, neither then or currently now. A user is a subscriber when the user first establishes telephone services.

Applicant also argues that the prior arts of record does not disclose generating output information personalized for the at least one subscriber but the examiner respectfully disagrees as personalized output information for the subscriber is the background of the inventions(Goldberg col.5 lines 18-40).

Allowable Subject Matter

4. Claims 50-51 objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 77-78 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 50 and 77, the prior art of record can not be reasonably combined to disclose, in view of the preceding features, wherein the association between the plurality of states and corresponding detected recipients can be altered by an administrator or a subscriber.

Regarding claims 51 and 78, the prior art of record can not be reasonably combined to disclose, in view of the preceding features, wherein the telephone call is aborted when the state of the call pickup sequence does not meet at least a minimum authorization criterion stored in the authorization database.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on Mon-Fri 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Fan Tsang/
Supervisory Patent Examiner, Art Unit 2614

/Joseph T Phan/
Examiner, Art Unit 2614